IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 103 OF 1996

The State of Maharashtra ..Appellants

versus

1. Smt. Salma Ismail Tinwalla
2. Smt. Saifi Ismail Tinwalla ..Respondents

Mr. S. N. Gawade, AGP for the Appellants - State.
Mr. G. M. Khambete for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 7TH MARCH ,2005

ORAL ORDER :

1. Heard learned AGP for the State and counsel for the respondents.

2. This Appeal is filed by the State challenging the Judgment of the Extra Joint District Judge, Pune, dated 15.9.1994 by which the compensation was enhanced.

3. Land at Survey Nos. 69/1 and 69/2 (part) situated at Village Wanowari, of the claimants - respondents were acquired, that is the portion of land as per the notification. SLAO awarded

compensation at Rs.25/- per sq. meter. Claimants claimed enhancement and therefore they filed a Reference.

4. From the Judgment it is clear that so far as Survey No. 69/1 is concerned, the Reference court did not grant any enhancement because the land was used as a burial ground. Reference Court also did not award the claim of the claimants regarding removal of fencing and erection of new fencing. However, so far as Survey No. 69/2 is concerned, the SLAO awarded Rs.25/- per sq. meters and the Reference Court awarded Rs.30/- per sq. meter. It cannot be said that this enhancement is improper, in the circumstances. There is no merit in this Appeal. The same is dismissed. No order as to costs.

7.03.2005 (D.G. DESHPANDE, J.)